

off-hook and then hangs up; and

a memory device, connected to the controller, for storing the access matrix.

### **Remarks**

The Office Action mailed August 28, 2000, has been received and reviewed. Claims 7-19 have been amended. Therefore, claims 7-19 are pending.

### **The 35 U.S.C. §112(b), Second Paragraph, Rejection**

The Examiner rejected claims 7-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 7 to clarify the manner in which "hanging up" is performed. Further, applicants have amended claims 16 and 19 to provide proper antecedent basis. The claims have also been amended to remove "step" language to make it clear that these claims are not to be interpreted under 35 U.S.C. §112, sixth paragraph.

### **The 35 U.S.C. §102(b) Rejections**

The Examiner rejected claims 7-13 and 16-19 under 35 U.S.C. §102(b) as being clearly anticipated by Long (U.S. Patent No. 5,377,260). Applicants respectfully traverses the rejection.

To anticipate a claim, the reference cited must describe each and every element of the claim. If each and every element is not found in the cited reference than the claim is not anticipated thereby.

With respect to claims 7, 16 and 19, Long fails to describe each and every element thereof. Therefore, such claims are not anticipated thereby. For example, claims 7, 16 and 19, as amended, describe placing the telephone personal communications system off hook if access is unauthorized, and then hanging up so as to prevent access to the personal communications system. If access is authorized, a connection to the telephone personal communications system will be enabled.

Long clearly does not describe such an operation. In fact, Long teaches something entirely different. As stated therein, at column 7, lines 13-30, if a call is to be ignored, a display device receives an appropriate indication alerting the customer to ignore the phone. However, from the disclosure provided in Long, the ringing continues until the calling party terminates the call. No "hanging up" operation is described therein.

For at least this reason, claims 7, 16 and 19 are not anticipated by Long. Further, claims 8-13 and 17-18 are directly or indirectly dependant on one of the independent claims 1 and 16. Therefore, they include the same limitations thereof and are not anticipated by Long for the same reasons given above and for reason of their own limitations.

#### **The 35 U.S.C. §103(a) Rejections**

The Examiner rejected claims 14-15 under 35 U.S.C. §103(a) as unpatentable over Long. Applicants respectfully traverse the rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations (see MPEP §2143).

Claims 14 and 15 are dependant on claim 1 and therefore include all the limitations thereof. As such, Long fails to teach or suggest all the claim limitations of claims 14 and 15. For example, as described above with reference to the anticipation rejection of claim 1, Long does not describe placing the telephone personal communications system off hook if access is unauthorized, and then hanging up so as to prevent access to the personal communications system.

As such, claims 14 and 15 are not obvious over Long.

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Amendment and Response

Serial No. 09/400,607

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For: COMPUTER-BASED MULTIFUNCTION PERSONAL COMMUNICATION SYSTEM WITH CALLER ID

**Nonstatutory Double Patenting Rejections**

The Examiner also rejected claims 7-15 and 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of Caswell et al., (U.S. Patent No. 5,546,448). A terminal disclaimer is filed herewith to remove this rejection.

**Summary**

It is respectfully submitted that these claims are now in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.



Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on this 28<sup>th</sup> day of December, 2000.

Name: Mark J. Gebhardt